

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

BRIAN MITCHELL SMITH,

Plaintiff,

v.

PURSUIT COLLECTION, *et al.*,

Defendants.

Case No. 3:23-cv-00197-SLG-KFR

ORDER RE REPORT AND RECOMMENDATION

Before the Court at Docket 1 is Plaintiff Brian Smith's Complaint Under the Civil Rights Act (Non-Prisoner) ("Complaint"). The matter was referred to the Honorable Magistrate Judge Kyle F. Reardon. At Docket 6, Judge Reardon issued a Screening Order finding that Plaintiff's Complaint was deficient but granting Plaintiff leave to file an Amended Complaint or a Voluntary Notice of Dismissal by March 4, 2024. As of March 21, 2024, Plaintiff did not file an Amended Complaint or a Voluntary Notice of Dismissal. At Docket 7, Judge Reardon issued his Report and Recommendation, in which he recommended that the action be dismissed without prejudice and that all pending motions be denied as moot. No objections to the Report and Recommendation were filed.

The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1). That statute provides that a district court "may accept, reject, or modify, in whole or in

part, the findings or recommendations made by the magistrate judge.”¹ A court is to “make a *de novo* determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.”² However, § 636(b)(1) does not “require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.”³

The magistrate judge recommended that the Court dismiss this action without prejudice and that all pending motions be denied as moot. The Court has reviewed the Report and Recommendation and agrees with its analysis. Accordingly, the Court adopts the Report and Recommendation, and IT IS ORDERED that this action is DISMISSED without prejudice and any pending motions are DENIED as moot. The Clerk of Court shall issue a final judgment.

DATED this 11th day of April, 2024, at Anchorage, Alaska.

/s/ Sharon L. Gleason
UNITED STATES DISTRICT JUDGE

¹ 28 U.S.C. § 636(b)(1).

² *Id.*

³ *Thomas v. Arn*, 474 U.S. 140, 150 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).